

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>Anderson & Koch Ford, Inc.</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>Ford Motor Company,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 0:23-cv-00762 (PJS/DTS)</p> <p>FORD MOTOR COMPANY’S MOTION TO DISMISS PURSUANT TO CIVIL RULE 12(B)(6)</p>
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Defendant Ford Motor Company (“Ford”) respectfully requests that this Court dismiss Plaintiff Anderson & Koch Ford, Inc.’s (“Plaintiff”) Complaint pursuant to Federal Civil Rule 12(b)(6). Plaintiff’s Complaint is fundamentally an improper challenge to the establishment of a new Ford dealership. Specifically, Plaintiff’s Complaint demands that this Court issue an injunction preventing Ford from establishing a new Ford dealership in Forest Lake, Minnesota. The Minnesota Motor Vehicle Sale and Distribution Act, however, provides a single avenue to challenge the establishment of a new motor vehicle dealer. *See* Minn. Stat. § 80E.14. Plaintiff lacks standing under Section 80E.14 to make such a challenge and as a result, attempts to use other provisions of the MVSDA to pursue this goal. Additionally, Plaintiff asserted a claim for breach of the duty of good faith and fair dealing without asserting a corresponding breach of contract claim, which is fatal to that cause of action. For these reasons, Plaintiff has failed to state claim upon which this Court can grant it relief and the Court should dismiss the Complaint as a matter of law.

Date: April 11, 2023

Respectfully submitted,

/s/ Elizabeth A. McNellie

Elizabeth A. McNellie (Admitted *pro hac vice*)

Jeremiah J. Wood (Admitted *pro hac vice*)

BAKER & HOSTETLER LLP

200 Civic Center Drive, Suite 1200

Columbus, OH 43215-4138

Telephone: (614) 228-1541

Facsimile: (614) 462-2616

emcnellie@bakerlaw.com

jjwood@bakerlaw.com

Sheila T. Kerwin (#220309)

Chelsea E. Vilchis (#402156)

NILAN JOHNSON LEWIS PA

250 Marquette Avenue S., Suite 800

Minneapolis, MN 55401

Telephone: (612) 305-7500

Fax: (612) 305-7501

skerwin@nilanjohnson.com

cvilchis@nilanjohnson.com

Attorneys for Defendant

Ford Motor Company

CERTIFICATE OF SERVICE

This is to certify that on April 11, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Aaron G. Thomas
Jordan L. Weber
Yuka Shiotani
Taft Stettinius & Hollister LLP
2200 EDS Center
80 South 8th Street
Minneapolis, MN 55402-2210
athomas@taftlaw.com
jweber@taftlaw.com
yshiotani@taftlaw.com

*Attorneys for Plaintiff
Anderson & Koch Ford, Inc.*

/s/ Elizabeth A. McNellie
Elizabeth A. McNellie